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JERRY.SHORMA@HP.COM
ipa.mail@hp.com
laura.m.clark@hp.com

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GARY CARLSON and GEORGE McLLVAINE

Appeal 2009-011455
Application 10/763,352
Technology Center 2800

Before MAHSHID D. SAADAT, ROBERT E. NAPPI, and KALYAN K.
DESHPANDE, *Administrative Patent Judges*.

SAADAT, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the final rejection of claims 1-6, 8-14, 16, and 17. Claims 7, 15, and 18 have been canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

STATEMENT OF THE CASE

Appellants' claimed invention relates to a method and printing apparatus that uses a toner diffuser for laminating a media sheet with at least one laminate material. (Spec. 2:19-30).

Independent claim 1, which is illustrative of the invention, is reproduced below:

1. A method of using a printing device having a toner fuser to laminate a composite media including media sheet with at least one laminate material sheet, the method comprising:
receiving a laminate request;
identifying the composite media;
adjusting a characteristic of the toner fuser of the printing device based on the identified composite media; and
passing the composite media through the toner fuser to effect lamination within the printing device.

REJECTIONS

The Examiner rejected claims 1-4, 6-9, 12-14, 16, and 17 under 35 U.S.C. § 103(a) based upon the teachings of Endo (US 5,894,318) and Ohno (US 4,549,803).¹

The Examiner rejected claims 10 and 11 under 35 U.S.C. § 103(a) based upon the teachings of Endo, Ohno, and Fukushima (US 6,516, 178 B2).

ANALYSIS

The Examiner finds it would have been obvious to change the characteristics of the toner fuser of Endo based on the teachings of Ohno wherein the temperature of the toner fuser is adjusted based on the type of

¹ The Examiner has withdrawn the rejection of claim 5 over the combination of Endo and Ohno (Ans. 2).

media such as resin-like transparencies (Ans. 4, 6-7). Appellants contend that changing the temperature and speed of a roller to determine the best condition for fixing color toner on an overhead projector sheet in Ohno is in the context of printing, and not for laminating a document (Br. 10-11). We agree.

Although the Examiner relies on Ohno for disclosing adjustments made to the temperature and speed of the fixing roller (Ans. 6), the Examiner has not sufficiently explained how Endo's laminating process would benefit from the conditions used in Ohno's printing process. The relied-on portion of Ohno describes a selector means 51 for changing the temperature or the speed of the fixing roller depending on the type of the selected recording media (col. 6, ll. 44-55). As pointed out by Appellants (Br. 12), Ohno's adjustments to the speed and temperature of the fixing roller relate to printing conditions on different types of media, and not a laminating process. Accordingly, the Examiner has not shown why one of ordinary skill in the art would have found it obvious to apply changing characteristics of a fixing roller from a printing operation to a laminating process such as the one disclosed in Endo.

Thus, claim 1 has not been shown to be obvious over the combination of Endo and Ohno. Similarly, other independent claims 9, 10, and 13 include similar limitations discussed above with respect to claim 1, which were shown to be deficient in the combination of Endo and Ohno, and not cured by Fukushima.

DECISION

The Examiner's decision rejecting claims 1-4, 6, 8-14, 16, and 17 is reversed.

REVERSED

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